

REMARKS

Claims 1, 5-9, 22, 26-30, 43, 47, 49, and 51 are amended. Claims 2-4, 10-21, 23-25, 31-42, 44, 46, 48, and 54 are cancelled. Claims 60-73 are newly added. Claims 1, 5-9, 22, 26-30, 43, 45, 47, 49-53, and 55-73 are now pending in the application. The amendments to the claims as indicated herein do not add any new matter to this application. The issues raised in the Notice of Non-Compliant Amendment mailed December 11, 2008, as well as each issue raised in the Office Action mailed June 27, 2008 is addressed hereinafter, in order of appearance.

I. ISSUES NOT RELATING TO PRIOR ART

A. TITLE

The title is amended. Reconsideration is respectfully requested.

B. PTO-892 FORM

The PTO-892 form (Notice of References Cited) at the end of the Office Action omits the Koning reference (US Patent No. 6,998,226), which was applied in a rejection of Claims 15-18, 21, 33-34, 36-39, 42, 52, and 58 (Office Action, Page 10, Section 4). Please furnish an updated PTO-892 form.

C. CLAIM REJECTION UNDER 35 USC 112

Claims 47 and 49-59 stand objected to (Office Action, Page 2, Section 2). In response, Claim 47 has been amended.

II. ISSUES RELATING TO PRIOR ART

Claims 1-14, 19-20, 22-32 35, 40-41, 43-51, 53-57, and 59 stand are rejected under 35 U.S.C. § 102(e) as allegedly anticipated by Larsson (US 20040107387) (Office Action, . This rejection is respectfully traversed.

For convenient reference, Claim 1 is repeated in its entirety below.

1. A computer implemented method for communicating data, the method comprising:
receiving an initial indication that an event was generated at a first node of a system;
receiving one or more subsequent indications that the event was generated at the first node of the system;
determining that information from the initial indication is identical to information from said one or more subsequent indications;
in response to determining that the information from the initial indication is identical to the information from said one or more subsequent indications, coalescing the information from the initial indication with the information from said one or more subsequent indications into a coalesced notification; and
propagating the coalesced notification to a receiving node.

As noted above, Claim 1 recites, inter alia, “coalescing information into a coalesced notification”. Coalescing is described at least within paragraphs [0007]-[0009] of Applicant’s specification. Claim 43 has also been amended to recite some form of coalescing.

The Office Action relies on Larsson’s paragraphs [0038] through [0069] to suggest the claimed coalescing (Office Action, page 4, paragraph 2), but does not provide any further information. The rejection is thus vague and difficult to respond to.

Having no better information as to the reasoning of the Office Action, Applicant is forced to guess at which portions of the cited thirty one paragraphs of Larsson correspond to the claimed coalescing. Larsson’s paragraph [0039] discusses concatenating of an event with various parameters utilized to describe that event to form a network address. However, Larsson’s concatenation process does not occur as a result of any determination that any information is identical with anything.

Larsson’s paragraphs [0047] and [0060] describe a “bits field” 70H which is used for determining whether or not an entry in an events database 56 is duplicative. If a proposed entry turns out to be duplicative, the bits field 70H is incremented, and the duplicative entry is dropped/ignored and not entered into the database. Because Larsson drops duplicate entries, it

would not be possible for Larsson's duplicative entry to be coalesced with other indications into a coalesced notification, as claimed. It would therefore also be impossible for Larsson's duplicative entry to be propagated to a receiving node, also as claimed. Indeed, Larsson's entries into the database 56 are never propagated anywhere.

Larsson's paragraphs [0057] through [0059] describe a "manifest" 28 which is used for identifying an event and how it should be handled by a reporting engine 24. Larsson's manifest 28 is sent from an application program 30 to the reporting engine 24. Larsson does not suggest that any information contained within the manifest 28 is suitable for determining whether information is identical or not, nor does Larsson discuss any steps for what to do in such an event.

For at least the above reasons, the rejections of Claims 1 and 43 are invalid and should be withdrawn, as well as the rejections of any claims dependent therefrom.

Additionally, Claim 1 also recites, inter alia, receiving an initial indication that an event was generated at a first node of a system, and receiving one or more subsequent indications that the event was generated at the first node of the system. Claims 44 and 47 discuss a similar concept, although using different words. Although Larsson discusses the occurrence of various events (paragraphs [0047]-[0054]), Larsson is utterly silent to as where any of these events occur, whether at a specific node or not. Indeed, Larsson does not discuss specific nodes at all.

For at least the above reasons, the rejections of Claim 1, 44, and 47 are invalid and should be withdrawn, as well as the rejections of any claims dependent therefrom.

Additionally, Claim 43 recites, inter alia, "appending onto an existing message the coalesced notification that describes a single instance of said event".

In rejecting this feature, the Office Action relies upon Larsson's paragraphs [0008]-[0014], [0025]-[0027], and [0038]-[0069] and FIGS. 1-6C but does not state any specific features

of Larsson. Again, these sections cite almost the entire Larsson reference without any referring to anything therein, so that the rejection is also vague and difficult to respond to.

The invention disclosed within Larsson does not communicate via the use of messages. Larsson's reporting engine 24 utilizes data in the manifest 28 (described earlier) to generate an event report to a server computer 10. Supposing that either the manifest 28 or the event report allegedly correspond with the claimed message, which Applicant does not concede, Larsson does not give any indication that either the manifest 28 or the event report ever have anything appended thereto.

As stated, Larsson's paragraph [0039] discusses concatenating of an event with various parameters utilized to describe that event to form a network address. However, Larsson's concatenation process is not associated with a single instance of anything.

For at least the above reasons, the rejections of Claim 43 is invalid and should be withdrawn, as well as the rejections of any claims dependent therefrom.

Additionally, Claim 47 recites "invoking concurrency control techniques to control concurrent access to a shared-memory event buffer from processes that propagate messages to subscriber nodes and processes that generate events".

In rejecting this feature, the Office Action relies upon Larsson's [0008]-[0014], [0025]-[0027], and [0038]-[0069] and FIGS. 1-6C but does not state any specific features of Larsson. Again, these sections cite almost the entire Larsson reference without any referring to anything therein, so that the rejection is also vague and difficult to respond to.

As stated, Larsson does not have any equivalent for the claimed messages. Larsson's reporting server 10 is described as having a shared memory block (paragraph [0036]), but that shared memory RAM 9 is never described as being involved in propagating messages.

For at least the above reasons, the rejections of Claim 47 is invalid and should be withdrawn, as well as the rejections of any claims dependent therefrom.

Claim 61 recites, inter alia, “piggybacking the coalesced notification on a message that is otherwise unrelated to the event”. An event notification may occur for reasons entirely separate from a particular message. As stated earlier, the Office Action has not shown any equivalent in Larsson for the claimed message, and the reports on Larsson’s events are generated by the reporting engine 24, which is never described as performing any type of piggybacking or coalescing.

All remaining Claims were rejected under 35 U.S.C. § 103 as allegedly obvious over a variety of references using Larsson as a base reference. However, all of these Claims either explicitly recite or depend from other Claims which recite elements or steps which as shown above are neither disclosed nor suggested by any combination of prior art, either by Larsson or by any other reference. The secondary references do not cure this deficiency of Larsson, and therefore any combination of Larsson with any of the secondary references cannot provide the complete combination of features recited in the remaining claims.

III. CONCLUSIONS & MISCELLANEOUS

For the reasons set forth above, all of the pending claims are now in condition for allowance. The Examiner is respectfully requested to contact the undersigned by e-mail or telephone relating to any issue that would advance examination of the present application. As per MPEP Chapter 5, Applicant acknowledges that Internet communications may not be secure.

A petition for extension of time, to the extent necessary to make this reply timely filed, is hereby made. If any applicable fee is missing or insufficient, throughout the pendency of this application, the Commissioner is hereby authorized to charge any applicable fees and to credit any overpayments to our Deposit Account No. 50-1302.

Respectfully submitted,

HICKMAN PALERMO TRUONG & BECKER LLP

/christophermtanner#41518/

Dated: January 6, 2009

Christopher M. Tanner
Reg. No. 41,518

ctanner@hptb-law.com
2055 Gateway Place Suite 550
San Jose, California 95110-1093
Telephone No.: (408) 414-1238
Facsimile No.: (408) 414-1076